

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ANDERSON DIVISION

In re:

**The Thaxton Group, Inc.
Securities Litigation**

C/A No.: 8:04-2612-GRA

Earle B. Gregory, et al.,

ORDER

Plaintiffs,

[Written Opinion]

vs.

Finova Capital Corporation; et al.,

Defendants.

This matter comes before the Court pursuant to Plaintiffs' June 1, 2005 Motion to Consolidate Cases and to Join Party Under Rule 19. Oral arguments were heard in support of and against this motion on July 6, 2005 before this Court. Plaintiffs' motion is granted in part and denied in part as detailed below.

The two South Carolina cases in this action are *Gregory v. Finova, et al*, C/A No. 0:03-cv-3604-2 and *Moore v. Finova, et al*, C/A No. 8:03-cv-3724-13. Plaintiffs correctly note that these cases involve identical allegations on behalf of Plaintiffs and that counsel for both the *Gregory* plaintiffs and the *Moore* plaintiffs have worked closely during the pretrial proceedings. Plaintiffs further informed the Court that

counsel for those plaintiffs intend to jointly try the cases together. It being clear that judicial economy would be served by insuring that the consolidated nature of these cases after the MDL portion of the cases is finished. Plaintiffs' motion to consolidate cases is therefore granted.

Rule 19 of the Federal Rules of Civil Procedure allows joinder of parties at the Court's discretion. Such joinder would further complicate an already complex case. This Court is therefore exercising its discretion to DENY joinder of the Official Committee of Unsecured Creditors as a party to this case.

Gregory v. Finova, et al, C/A No. 0:03-cv-3604-2 and *Moore v. Finova, et al*, C/A No. 8:03-cv-3724-13 are hereby consolidated.

Plaintiffs' motion to join party under Rule 19 is hereby DENIED.

IT IS SO ORDERED.



G. ROSS ANDERSON, JR.
UNITED STATES DISTRICT JUDGE

Anderson, South Carolina.

July 28, 2005.